

Message Text

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AMEMBASSY LIMA
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AMEMBASSY SANTIAGO
AMCONSUL GUAYAQUIL

C O N F I D E N T I A L SECTION 1 OF 3 QUITO 0163

E.O. 11652: GDS
TAGS: PINT, EC
SUBJECT: ECUADOR'S CONSTITUTIONAL REFERENDUM

REFS: (A) 77 QUITO A-51; (B) 77 QUITO 8326; (C) 77 QUITO 8159

1. BEGIN SUMMARY. ON JANUARY 15 THE GOE WILL CONDUCT A CONSTITUTIONAL REFERENDUM ASKING THE ELECTORATE TO SELECT ECUADOR'S FUTURE CONSTITUTION FROM TWO POSSIBLE ALTERNATIVES. THE REFERENDUM HAS BEEN STRONGLY OPPOSED BY A GROUP OF POLITICAL PARTIES THAT URGE THE NULLIFICATION OF THE BALLOTS IN THE HOPE OF DISRUPTING THE GOE PLAN TO RETURN TO CIVILIAN RULE (RETORNO). THE REAL QUESTION IS WHETHER A LARGE ENOUGH PROPORTION OF THE VOTERS WILL NULLIFY THEIR VOTES TO THREATEN THE LEGITIMACY OF THE REFERENDUM AND RETORNO PROCESS. THE POLITICAL CLIMATE IN ECUADOR IS BECOMING HIGHLY CHARGED AND UNCERTAIN ON THE EVE OF THE REFERENDUM AND THE SUCCESS OF THE PROCESS IS MORE IN DOUBT THAN BEFORE. SUCCESS OF THE REFERENDUM WOULD MOVE ECUADOR CLOSER TO CIVILIAN GOVERNMENT. FAILURE WOULD CREATE GREAT POLITICAL UNCERTAINTY
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AND WOULD LIKELY LEAD EITHER TO THE MILITARY'S SEEKING ANOTHER EXIT (I.E., THE CONSTITUENT ASSEMBLY OR AN INTERIM PRESIDENT) OR TO A DETERMINATION TO RETAIN POWER INDEFINATELY. AN OBVIOUS FAILURE OF THE REFERENDUM MIGHT SEE THE DEPARTURE OF ADMIRAL POVEDA AS PRESIDENT OF THE SUPREME COUNCIL OF GOVERNMENT SINCE HE IS SO CLOSELY IDENTIFIED WITH THE PROCESS. END SUMMARY.

2. ON JANUARY 15 THE GOE IS SCHEDULED TO CONDUCT A CONSTITUTIONAL REFERENDUM, THE FIRST ELECTORAL STAGE OF ITS PLAN TO RETURN ECUADOR TO CONSTITUTIONAL DEMOCRACY. THE APPROXIMATELY 1.6 MILLION LITERATE ADULTS OF THE COUNTRY ARE ASKED TO SELECT THE NATION'S 18TH CONSTITUTION BY CHOOSING BETWEEN TWO CONSTITUTIONAL DRAFTS PREPARED IN 1977 BY SPECIAL COMMISSIONS: A WHOLLY NEW DOCUMENT (FIRST CONSTITUTION), AND A REFORMED VERSION OF THE CURRENTLY IN FORCE 1945 CONSTITUTION (SECOND CONSTITUTION). THE DOCUMENT RECEIVING THE HIGHER TOTAL VOTE WILL GO INTO FORCE ON THE DAY (NOT SPECIFICALLY DETERMINED) THE NEW CIVILIAN PRESIDENT (SCHEDULED FOR ELECTION JULY 16) ASSUMES OFFICE.

3. BOTH CONSTITUTIONAL DRAFTS ARE WELL WITHIN THE MAIN-STREAM OF ECUADOREAN POLITICAL TRADITION. PERHAPS THE ONLY SIGNIFICANT DEPARTURE IS THE FIRST CONSTITUTION'S GRANTING OF THE VOTE TO ILLITERATES. OF THE 165 IDENTIFIED DIFFERENCES BETWEEN THE TWO DOCUMENTS, THE QUESTION OF VOTING RIGHTS FOR ILLITERATES IS THE ONLY ONE THAT MAY RAISE EMOTIONAL SENTIMENTS ONE WAY OR THE OTHER. THE MORE TRADITIONAL AND CONSERVATIVE ELEMENTS OF THE POPULATION APPEAR TO OPPOSE ILLITERATE VOTING. OTHER SIGNIFICANT DIFFERENCES ARE:

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(A) THE FIRST CONSTITUTION REQUIRES THAT ONLY LEGALLY RECOGNIZED POLITICAL PARTIES CAN PRESENT CANDIDATES FOR ELECTION TO THE CONGRESS AND TO THE PRESIDENCY AND THAT ALL CANDIDATES MUST BE FORMALLY AFFILIATED TO A PARTY. THE SECOND CONSTITUTION CONTAINS NO SUCH PROVISION;

(B) THE FIRST CONSTITUTION PROVIDES FOR A UNICAMERAL LEGISLATURE WHILE THE SECOND ESTABLISHES A BICAMERAL LEGISLATURE. ADDITIONALLY, THE SECOND PROVIDES FOR FUNCTIONAL SENATORS TO BE ELECTED FROM VARIOUS SOCIAL AND PROFESSIONAL GROUPS;

(C) THE FIRST CONSTITUTION PROVIDES FOR A FIVE YEAR PRESIDENTIAL TERM, THE SECOND FOR FOUR. THE FIRST FLATLY PROHIBITS PRESIDENTIAL REELECTION WHILE THE SECOND PROHIBITS SUCCESSIVE PRESIDENTIAL TERMS. ALSO, THE FIRST CONSTITUTION ESTABLISHES THE VICE PRESIDENCY, AN OFFICE NOT ANTICIPATED BY THE SECOND. (SEE REF AFR FOR COMPLETE ANALYSIS OF THE CONSTITUTIONAL DIFFERENCES.)

4. IN THE POSSIBLE COMPETITION BETWEEN THE TWO DOCUMENTS THE FIRST CONSTITUTION HAS RECEIVED THE ENDORSEMENT OF

ALMOST ALL POLITICAL PARTIES AND SOCIAL GROUPS. IT HAS BEEN GENERALLY ACCEPTED AS THE MORE PROGRESSIVE OF THE TWO DOCUMENTS AND, AT THIS MOMENT, SEEMS ALMOST CERTAIN TO POLL A GREATER NUMBER OF VOTES THAN THE SECOND. HOWEVER, SINCE THERE ARE FEW REALLY SIGNIFICANT DIFFERENCES BETWEEN THE TWO CONSTITUTIONS AND NO APPARENT PASSIONATE ATTACHMENTS TO EITHER ALTERNATIVE, THE REAL ISSUE THAT HAS SURFACED IS WHETHER ONE SHOULD NULLIFY ONE'S BALLOT AS AN ACT OF PROTEST RATHER THAN VOTE FOR EITHER CONSTITUTION.

5. THOSE PARTIES WHICH HAVE MOST VOCALLY OPPOSED THE MILITARY GOVERNMENT, I.E., THE VELASQUISTAS, THE NATIONAL REVOLUTIONARY PARTY (PNR) OF EX-PRESIDENT CARLOS JULIO AROSEMENA, THE NATIONAL PONCISTA FRONT, THE REPUBLICAN
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UNION AND THE RADICAL ALFARISTA FRONT, HAVE CONDEMNED THE WHOLE GOE RETORNO PROCESS FROM ITS INCEPTION AND HAVE RECENTLY EMBARKED UPON A MASSIVE AND APPARENTLY WELL-FINANCED CAMPAIGN TO URGE VOTERS TO VOID THEIR REFERENDUM BALLOTS. THESE PARTIES CONDEMN THE MILITARY GOVERNMENT FOR IMPOSING THIS UNPRECEDENTED CONSTITUTIONAL REFERENDUM ON THE PEOPLE, PREFERRING INSTEAD THE EXPRESSION OF THE ELECTORATE'S "SOVEREIGN WILL" THROUGH THE TRADITIONAL CONSTITUENT ASSEMBLY. THE GROUPS ASKING FOR VOIDED BALLOTS PAINT THIS ACTION AS THE REJECTION OF THE DICTATORSHIP

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RATHER THAN THE MERE DISSATISFACTION WITH BOTH CONSTITUTIONAL DRAFTS. THESE GROUPS BELIEVE, OR HOPE, THAT THE MASSIVE NULLIFICATION OF BALLOTS WOULD SO UNDERMINE THE CURRENT GOVERNMENT THAT IT WOULD BE FORCED TO SURRENDER POWER, EITHER THROUGH A CONSTITUENT ASSEMBLY OR A TRANSITIONAL CIVILIAN PRESIDENCY. THESE PARTIES HAVE BEEN JOINED BY POWERFUL UPPER INCOME GROUPS WHOSE INTEREST IN PROMOTING THE FAILURE OF THE REFERENDUM HAS LESS TO DO WITH UPSETTING THE STATUS QUO THAN WITH PRESERVING IT AND BLOCKING ASSAD BUCARAM'S PRESIDENTIAL AMBITIONS.

6. THOSE OTHER POLITICAL PARTIES THAT HAVE CHOSEN TO SUPPORT AND PARTICIPATE IN THE RETORNO PROCESS FEAR, ON THE OTHER HAND, THAT IF THE NULLIFICATION CAMPAIGN IS SUCCESSFUL, THE MILITARY WILL JUSTIFY THE RESULTS AS PUBLIC INDIFFERENCE (OR OPPOSITION) TO CIVILIAN RULE AND REMAIN IN POWER INDEFINITELY. THUS, EVEN THOSE PARTIES SUPPORTING THE REFERENDUM HAVE TAKEN PAINS TO INDICATE THAT A NULLIFIED BALLOT SHOULD BE INTERPRETED AS DISSATISFACTION WITH BOTH ALTERNATIVES OR
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WITH THE RETORNO PLAN ITSELF, RATHER THAN A LACK OF WUPPORT FOR CONSTITUTIONAL GOVERNMENT.

7. THE UPCOMING REFERENDUM IS PLAGUED WITH SEVERAL SERIOUS PROBLEMS. FIRST, FEW PEOPLE UNDERSTAND THE IDEA OF A REFERENDUM. SECONDLY, THE CONSTITUTIONS ARE SO SIMILAR AND SO COMPATIBLE WITH ECUADOREAN POLITICAL TRADITION THAT THEY DO NOT PROVOKE EITHER STRONG ATTACHMENTS OR ANTAGONISMS. THIRDLY, THROUGH VIRTUALLY ALL POLITICAL ORGANIZATIONS FAVOR THE FIRST CONSTITUTION, THEY HAVE DONE LITTLE MORE THAN EXPRESS THAT VIEW PUBLICLY. WE HAVE SEEN NO EVIDENCE OF SIGNIFICANT GET-OUT-THE-VOTES CAMPAIGNS BEING INITIATED BY THE PARTIES. PRESIDENTIAL HOPEFUL ASSAD BUCARAM'S CFP HAS LIKELY DONE MORE THAN ANY OTHER PARTY BY PUBLISHING, ON A DILY BASIS, SAMPLE BALLOTS SHOWING HOW TO VOTE FOR THE FIRST CONSTITUTION. IN CONTRAST, THE NEWLY ELECTED LIBERAL PARTY DIRECTOR, FRANCISCO (PANCHO) HUERTA HAS PUBLICLY SAID THAT HE WILL URGE PARTY ADHERENTS TO VOTE FOR THE FIRST CONSTITUTION THOUGH HE HIMSELF IS LEANING TOWARD ABSTENTION.

8. ANOTHER FACTOR MILITATING AGAINST A SUCCESSFUL REFERENDUM IS APPARENTLY GROSS MISMANAGEMENT OF THE BALLOTING ITSELF

BY THE CIVIL REGISTRY AND SUPREME ELECTORAL TRIBUNAL. THE GOE IS CURRENTLY IN THE PROCESS OF PUBLISHING THE VOTING LISTS WHICH ARE FULL OF ERRORS. MANY VOTERS WHO PROPERLY OBTAINED THEIR IDENTIFICATION CARDS (CEDULAS) HAVE BEEN LEFT OFF THE VOTING LISTS (BASED ON THE CEDULAS) AND IN GUAYAQUIL THE NUMBER OF THOSE SO DENIED HAS RISEN TO AN ASTONISHING 40 PERCENT OF THOSE ELIGIBLE. EVEN GALO PLAZA, PRESIDENT OF THE SUPREME ELECTORAL TRIBUNAL WAS LEFT OFF THE VOTING LISTS.

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9. OVERLAYING THIS ALREADY DISPIRITED SCENE IS FURTHER GLOOM IN THE FORM OF TWO EVENTS WHICH HAVE LITTLE TO DO WITH THE REFERENDUM, BUT WHICH SEEM TO IMPUGN THE GOE'S CREDIBILITY ABOUT ITS PROFESSED DESIRE TO RETURN TO CIVILIAN GOVERNMENT SOON. FIRST, THE GOE HAS BEEN ARRESTING A NUMBER OF SOCIALLY PROMINENT CITIZENS WITH NO PUBLIC EXPLANATION. RUMOR HAS IT THAT THEY WERE ALL INVOLVED IN THE BRIZ LOPEZ KIDNAPPING AND DEATH (REF B), BUT THE GOE HAS CHOSEN TO REMAIN SILENT AND ACCEPT THE PUBLIC JUDGMENT THAT THE ARRESTS ARE ARBITRARY AND POLITICAL. SECOND, (SEE SEPTEL) THE GOVERNMENT JUST REORGANIZED THE SUPREME COURT BY DECREE WITH NO EXPLANATION, PROVOKING RUMORS THAT THE MILITARY IS TRYING IN SOME MYSTERIOUS MANNER TO PROTECT ITS OWN INTERESTS. IN RUMOR-PRONE QUITO, POLITICIANS ARE SPECULATING ABOUT THE GOE'S HIDDEN INTENT IN MAKING THESE MOVES JUST PRIOR TO THE REFERENDUM. THE TOTAL EFFECT HAS PLAYED INTO THE HANDS OF THE NULLIFICATION CAMPAIGN, STIRRING UP MORE LACK OF FAITH AND RESTIVENESS WITH MILITARY RULE THAN AT ANY TIME DURING THE REIGN OF THE TRIUMVIRATE.

10. ALTHOUGH OPINION SAMPLING IN ECUADOR IS RUDIMENTARY AT BEST (AND USUALLY BLATANTLY SELF-SERVING) IT HAS SHOWN THAT (A) THERE IS CONSIDERABLE PUBLIC APATHY AND A LACK OF UNDERSTANDING OF THE REFERENDUM; (B) THE FIRST CONSTITUTION HAS MORE SUPPORT THAN THE SECOND; AND (C) THERE IS SIGNIFICANT DISSATISFACTION WITH THE PROCESS ITSELF. THIS LATTER PHENOMENON CAN BE PARTIALLY ATTRIBUTED TO THE SUCCESS OF THE VOTE NULLIFICATION CAMPAIGN, THOUGH IT APPEARS TO GO DEEPER THAN THAT. THE JANUARY VISTAZO MAGAZINE (GUAYAQUIL) PUBLISHED THE RESULTS OF A POLL THAT 65 PERCENT OF A SMALL GUAYAQUIL SAMPLE INTENDED TO NULLIFY THEIR BALLOTS. CONFUSION, NIHILISM AND ANTIGOVERNMENT SENTIMENT WERE THE REASONS MOST CITED FOR NULLIFICATION.

11. ALL SIDES HAVE WISELY REFRAINED FROM DEFINING PUBLICLY
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WHAT PROPORTION OF VOTES WOULD EQUAL SUCCESS OR FAILURE.
HOWEVER, THE BUCARAM CAMP, WHICH HAS THE MOST TO LOSE FROM
A REFERENDUM FAILURE, HAS TOLD US PRIVATELY THAT IF THE NEW
CONSTITUTION FAILED TO OBTAIN 40 PERCENT OF THE TOTAL VOTES

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CAST, THEY WOULD BE PESSIMISTIC ABOUT THE RETORNO. THE
EMBASSY BELIEVES THAT IF THE WINNING CONSTITUTION RECEIVES
HALF OF THE 1.6 MILLION ELIGIBLE VOTES (ALTHOUGH THIS
FIGURE IS SKEWED NOW BY THE REGISTRATION FOUL-UP) THE GOE
CAN EASILY CONSIDER THE REFERENDUM SUCCESSFUL. ON THE
OTHER HAND, IF BLANK AND VOIDED BALLOTS TOTAL MORE THAN
THE VOTES CAST FOR THE CONSTITUTIONS, THE REFERENDUM WILL
BE A CLEAR FLOP.

12. IF THE REFERENDUM RESULTS STRONGLY SUPPORT ONE
CONSTITUTIONAL ALTERNATIVE, THE COUNTRY WILL HAVE MOVED
ONE STEP CLOSER TO CIVILIAN GOVERNMENT AND
IT WILL BE MORE DIFFICULT TO INTERRUPT THE RETORNO
PROCESS. HOWEVER, WE DO NOT NECESSARILY SHARE THE VIEW
OF THOSE CARRYING ON THE NULLIFICATION CAMPAIGN THAT
A LARGE PROPORTION OF VOIDED BALLOTS WILL OBLIGE THE
MILITARY TO SEEK ANOTHER EXIT. FIRST, THE MINISTER OF DEFENSE, ANDRES

ARRATA, AND THE CHIEF OF JOINT COMMAND ADMIRAL OLMEDO, TWO OF THE MOST
RESPECTED AND INFLUENTIAL PERSONS IN THE MILITARY-
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GOVERNMENT ESTABLISHMENT, TOLD THE AMBASSADOR PRIVATELY
AND INDEPENDENTLY JAN. 10 THAT THE GOE IS DETERMINED
TO CARRY OUT THE RETORNO PLAN NO MATTER HOW MANY VOTES
ARE NULLIFIED. SECONDLY, EVEN IF THE MILITARY FAILED TO
CARRY THE PLAN THROUGH, SINCE IT IS NOT BEING FORCED
OUT AT THIS TIME, BUT IS RATHER CHOOSING THE MANNER
OF ITS DEPARTURE, THE EMBASSY BELIEVES THAT A FAILED
REFERENDUM WOULD BE ABOUT AS LIKELY TO RESULT IN
CONTINUED MILITARY GOVERNMENT AS IN THE IMMEDIATE
SELECTION OF AN INTERIM PRESIDENT OR THE CONVOCAION
OF A CONSTITUENT ASSEMBLY.

13. HOWEVER, THE ODDS THAT IT MIGHT PRECIPITATE THE
LATTER POSSIBILITIES HAVE CERTAINLY IMPROVED IN THE
CHARGED ATMOSPHERE IN WHICH THE REFERENDUM IS BEING CONDUCTED.
THE FAILURE OF THE REFERENDUM COULD CAUSE THE PUBLIC
TOLERATION OF THE MILITARY TO DETERIORATE SO RAPIDLY
THAT THEY WOULD BE OBLIGED TO SEEK A QUICK EXIT AS IN
1966, OR THE CIVIL ORDER SITUATION COULD BREAK DOWN AND THE
PRESENT GOVERNMENT COULD BE FORCED TO RELY INCREASINGLY
ON ESCALATING REPRESSION. IF THE MILITARY WERE TO CONTINUE
UNDER SUCH CIRCUMSTANCES HOWEVER, IT SEEMS MOST LIKELY THAT THERE
WOULD BE CHANGES IN THE PRESENT NATIONAL LEADERSHIP SINCE ADMIRAL
POVEDA IS SO THOROUGHLY IDENTIFIED WITH THE CURRENT SCHEME.
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